	Application No.	Applicant(s)
Notice of Allowability	09/873,230	BENESCH ET AL.
	Examiner	Art Unit
	John B. Strege	2625
The MAILING DATE of this communication apperation all claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	ears on the cover sheet with (OR REMAINS) CLOSED in to or other appropriate commuring the community of the community of the community of the community of the coverage of the	his application. If not included ication will be mailed in due course. THIS
1. This communication is responsive to the RCE filed 5/23/05		
Z. ☑ The allowed claim(s) is/are <u>1-5,10-24 and 26-31</u> .		
The drawings filed on <u>04 June 2001</u> are accepted by the E	xaminer.	
 4. Acknowledgment is made of a claim for foreign priority una a) All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority documents have Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 	been received. been received in Application	No
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		reply complying with the requirements
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give		
6. CORRECTED DRAWINGS (as "replacement sheets") mus	t be submitted.	
(a) ☐ including changes required by the Notice of Draftspers		PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment or in	the Office action of
Identifying indicia such as the application number (see 37 CFR 1.		
DEPOSIT OF and/or INFORMATION about the depose attached Examiner's comment regarding REQUIREMENT I	sit of BIOLOGICAL MATER	RIAL must be submitted. Note the
Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/06 Paper No./Mail Date	6. ☐ Interview Sun Paper No./M 8), 7. ☐ Examiner's Al	rmal Patent Application (PTO-152) nmary (PTO-413), ail Date nendment/Comment atement of Reasons for Allowance

Art Unit: 2625

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/25/05 has been entered.

Response to Amendment

The amendment received 4/25/05 has been entered in full. Currently claims 1-5,10-24, and 26-31 are pending in the application.

Applicant's arguments, see pages 15-27, filed 4/25/05, with respect to the pending claims have been fully considered and are persuasive. The rejection of the pending claims has been withdrawn.

Reasons for Allowance

Claims 1-5,10-24, and 26-31 are allowed.

The following is an examiner's statement of reasons for allowance: As discussed in the Applicant's arguments (4/25/05, pgs 15-27) none of the prior art disclose in combination with the other limitations of the claim, a method for monitoring fabrication processes of structured surfaces in a semiconductor production comprising generating reference signatures by measuring an intensity distribution of images varying a wavelength and polarization of electromagnetic radiation, the polarization being varied by a rotation apparatus, providing at least one of a neural network and a fuzzy logic and

Application/Control Number: 09/873,230 Page 3

Art Unit: 2625

adjusting the weighting as a function of the reference signature, comparing the measured signature with the reference signatures and depending on the similarity of the signatures classifying the parameters or measuring individual structures for providing absolute quantities of the structure with high resolution and then classifying the parameters. Thus claim 1 is allowable over the prior art. Claims 2-5, and 10-19 are dependent on claim 1 and thus are allowable for the same reason. Claim 20 has similar limitations to claim 1 thus is allowable for the same reasons. Claims 21-24, and 26-31 are dependent on claim 20 thus are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Strege whose telephone number is (571) 272-7457. The examiner can normally be reached on Monday-Friday between the hours of 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/873,230

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS

BHÁVÉSH M. MEHTA SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2600

Page 4